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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/259,991	03/01/1999	CHRIS W. MAHNE	240/218	5948

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EXAMINER

SMITHERS, MATTHEWS

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 05/05/2003

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/259,991

Applicant(s)

MAHNE ET AL.

Examiner

Matthew B Smithers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47-58 and 74 is/are allowed.
- 6) ☒ Claim(s) 59-62, 68-73 and 77-79 is/are rejected.
- 7) ☒ Claim(s) 59 and 75 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed February 19, 2003 have been fully considered but they are not persuasive.

With regard to claims 60, 76, and 77, applicant argues the applied references, Hsu and Brundrett, fail to teach or suggest a file identifier added to the file after it has been generated from an encryption key (encrypted table) and testing the data identifier by regenerating the data identifier to ascertain if the data identifier is the same. Examiner contends Hsu does teach or suggest appending an enode data structure (file identifier) to a regular file after the file has been transformed through the use of an encryption table which serves as the encryption key. The encryption table (encryption key) is formed through a shuffling/index value substitution function applied to the password key and seed table (see column 12, line 25 to column 12, line 26). Through this process, data values (data identifiers) are created and are associated arithmetically to the decryption index values of the decryption table (see column 12, lines 27-49). The contents of the identified enode structure (file identifier) can be used in the authentication of the encrypted data. This file identifier has associated data identifiers which are part of the encryption table (encryption key). When Brundrett verifies the integrity and source of the encryption key, the data structure which holds data identifiers, is compared to verify the structure (see column 16, lines 5-16). Therefore, the examiner maintains the rejection of claims 60, 76 and 77.

With regard to claim 61, applicant argues the applied references, Hsu and Brundrett, fail to teach or suggest selecting the file from within the contents of a second file that is larger than the file. Examiner contends Hsu does teach or suggest files are referenceable (selected) via directories (second larger files) which are themselves standard files maintained on a disk (see column 6, lines 44-51). Therefore, the examiner maintains the rejection of claim 61.

With regard to claim 62, applicant argues the applied references, Hsu and Brundrett, fail to teach or suggest selecting the file is placed in a container. Examiner contends Hsu does teach or suggest the file is placed in a container (inode entries) which store specifically relevant information describing the file (see column 6, lines 51-57). Therefore, the examiner maintains the rejection of claim 62.

With regard to claims 68, 69, 71, and 79 applicant argues the applied references, Hsu, Brundrett and Finley, fail to specifically teach or suggest the above steps along with the step of inputting and validating a decryption key value. Examiner contends Hsu does teach or suggest the above along with teaching the through the transformation, data values (data identifiers) are created and are later used to generate the decryption index values (decryption key) needed in the validation process (see column 14, lines 50-67). Therefore, the examiner maintains the rejection of claims 68, 69, 71 and 79.

With regard to claims 47, 58, 59, 74 and 75, applicant argues the applied references, Hsu, Brundrett and Finley, fail to specifically teach or suggest the step of allowing a user the option of invoking a virus scan program. More specifically applicant argues Finley does not specifically teach or suggest the above step. After further

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consideration, the examiner is persuaded that Finley does not specifically teach the step of optionally invoking a virus scan program and as such withdraws the rejection of claims 47-58 and 74. However, the examiner does maintain the rejection of claims 59 and 75 because neither claim recites the virus scan is initiated by an invoked option. Claim 59 state the virus scan is run after decryption of the file and claim 79 stated the virus scan is run before encryption of the file. Both claims suggest the user is not given the option to invoke the virus scan program but rather the file encryption system itself automatically invokes the scan program. Therefore, the examiner maintains the rejection of claims 59 and 75.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,584,023 granted to Hsu and further in view of U.S. 6,249,866 granted to Brundrett et al.

Regarding claims 60-62, 68-73, and 76-79, see rejection in paper #19.

Claims 59 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,584,023 granted to Hsu and further in view of U.S. 6,249,866 granted to Brundrett et al.

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Regarding claims 59 and 75, see rejection in paper #19.

Allowable Subject Matter

Claims 47-58 and 74 are allowed.

The following is an examiner's statement of reasons for allowance: The cited prior art fails to specifically teach a user invoking the option to initiate a virus scan of the encrypted/decrypted file.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 63-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The cited prior art fails to specifically teach creating a third file that contains the encrypted file and the portion of the second file that does not include the original file.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

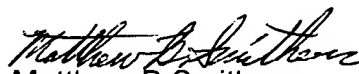
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B Smithers whose telephone number is (703) 308-9293. The examiner can normally be reached on Monday-Friday (9:00-5:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Matthew B Smithers
Primary Examiner
Art Unit 2134

May 4, 2003